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Attorneys for Defendant, Counterclaimant, and Third Party Plaintiff,  
PATRICIA CROWELL

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WINE SCOUT INTERNATIONAL,

Plaintiff,

vs.

PATRICIA CROWELL,

Defendant.

CASE NO. C 07 05930 JSW

**NOTICE OF NEED FOR ADR  
PHONE CONFERENCE [ADR L.R. 3-5]**

**[Electronic digital signatures permitted]**

PATRICIA CROWELL, an individual

Counterclaimant,

vs.

WINE SCOUT INTERNATIONAL, a  
California corporation,

Counterdefendant.

PATRICIA CROWELL, an individual

Third Party Plaintiff,

vs.

MARK STEVEN POPE, aka Mark S. Pope and  
aka Mark Pope, individually and as he does  
business under the trade name and style of  
Bounty Hunter, Bounty Hunter Rare Wine,  
and/or Bounty Hunter Rare Wine and  
Provisions,

Third Party Defendant.

1 The parties either:

2 X have not yet reached an agreement to an ADR process despite having conferred, or  
 3 \_\_\_\_ have tentatively agreed to a settlement conference before a magistrate judge.

4 Accordingly, ADR L.R. 3-5 requires a telephone conference with the ADR Director or Program  
 5 Counsel before the Case Management Conference.

6 **Last day to file Joint Case Management Statement: April 18, 2008**

7 **Date of Initial Case Management Conference: April 25, 2008**

8 The following counsel will participate in the ADR phone conference:

9 <i>Name</i>	<i>Party Representing</i>	<i>Phone No.</i>	<i>E-mail Address</i>
10 J. Scott Gerien, Esq.	Plaintiff, 11 Counterdefendant, and Third Party Defendant	(707) 715-1103	sgerien@dpf-law.com
12 Stephen N. Hollman, Esq.	Defendant, 13 Counterclaimant, and Third Party Plaintiff	(408) 282-1949	wsc@ businessandtechnologylawgroup.com

14 Prior to the filing of the Counterclaim and Third Party Complaint in this action, counsel  
 15 for Plaintiff and Defendant had a Telephone Conference on 02/21/08 in which Defendant's  
 16 counsel stated that the parties will ultimately have to engage in ADR so why not do it now and  
 17 post-scripted that statement with the fact that ENE would not be acceptable given the complexity  
 18 of the trademark issues in this action. Plaintiff's counsel tersely responded "that there would be  
 19 no ADR". Subsequent to the filing of the Counterclaim and Third Party Complaint, counsel for  
 20 Plaintiff (and now Counterdefendant and Third Party Defendant) on less than 24 hours notice  
 21 sought to impose a 04/04/08 deadline for a meet and confer despite the fact that the Order of  
 22 Judge White calls for the Joint Case Management Statement not to be filed until 04/18/08.  
 23 Counsel for Defendant (and now Counterclaimant and Third Party Plaintiff) resisted the demand  
 24 for the improperly noticed 04/04/08 meet and confer on the basis that the action was not at issue  
 25 for the Third Party Defendant had not as yet been served due to concerted actions by Plaintiff's  
 26 counsel. In reply, Plaintiff's counsel through an E-Mail dated 04/04/08 stated in relevant part  
 27 "The fact that my client is not interested in early ADR does not mean it is not submitting to the  
 28 mandatory process and it will opt for ENE [the only and very ADR process to which Defendant's

1 counsel objected in the 02/21/08 meet and confer].” (Emphasis added.) Plaintiff’s counsel then  
 2 sent an E-Mail regarding ADR in which he stated “[s]ince I have not received a response from  
 3 you [on 04/04/08] I will proceed to contact the ADR division to let them know that you will not  
 4 meet and confer and have neither given me a response to my proposal on ENE nor indicated you  
 5 want a telephone conference, the two options for submissions due by today.” In light of this  
 6 thread of communications, counsel for the parties have not been able to reach an agreement on an  
 7 ADR process and are unlikely to be able to do so.

8 Accordingly, ADR L.R. 3-5 requires a telephone conference with the ADR Director or  
 9 Program Counsel before the Case Management Conference calendared for April 25, 2008.

10 For purposes of the certification below, Plaintiff did not serve a copy of the handbook  
 11 entitled “Dispute Resolution Procedures in the Northern District of California”. However,  
 12 Defendant’s counsel has both discussed the ADR alternatives with Defendant and made that  
 13 handbook available to her for the purposes of such certification.

14 *The ADR Unit will notify you by e-mail indicating the date and time of your phone*  
 15 *conference. Plaintiffs’ counsel shall initiate the call using the following number: (415) 522-*  
 16 *4603. Please consult ADR L.R. 3-5(d).*

17 **SIGNATURE AND CERTIFICATION BY DEFENDANT and COUNTERCLAIMANT,**  
 18 **AND THIRD PARTY PLAINTIFF, PATRICIA CROWELL, AND HER COUNSEL:**

19 Pursuant to Civ. L.R. 16 and ADR L.R. 3-5(b), each of the undersigned certifies that  
 20 she has read either the handbook entitled “Dispute Resolution Procedures in the Northern  
 21 District of California,” or the specified portions of the ADR Unit’s Internet site , discussed  
 22 the available dispute resolution options provided by the court and private entities, and  
 23 considered whether this case might benefit from any of them.

24 DATED: April 7, 2008

25  
 26 By: /s/ Patricia Crowell  
 Patricia Crowell

27 //

28 //

1 DATED: April 7, 2008

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2  
3 By: /s/ Stephen N. Hollman  
4 Stephen N. Hollman,  
5 Attorneys for Defendant,  
6 Counterclaimant, and  
7 Third Party Plaintiff  
8 PATRICIA CROWELL  
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